

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

“BARBARA;” “SARAH,” by guardian, parent,
and next friend “SUSAN;” and “MATTHEW,”
by guardian, parent, and next friend “MARK;” on
behalf of themselves and all those similarly
situated,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United
States, in his official capacity, *et al.*,

Defendants.

Case No. 1:25-cv-244

**PLAINTIFFS’ MOTION FOR CLASS CERTIFICATION
AND APPOINTMENT OF CLASS COUNSEL;
REQUEST FOR EXPEDITED TREATMENT, L.R. 7.1(f)**

The Proposed Class Plaintiffs move, on behalf of themselves and all those similarly situated, and for the reasons detailed in their complaint, the memorandum of law and affidavits accompanying this motion, and Plaintiffs’ motion for classwide preliminary injunctive relief and briefing incorporated therein by reference, to certify a class under Rule 23 of the Federal Rules of Civil Procedure. Pursuant to L.R. 7.1(h), and to facilitate likely appellate proceedings within the 30-day window, Plaintiffs respectfully request that Defendants be directed to respond by July 2 and that the Court issue a ruling by July 7. In the interest of time, Plaintiffs request that the Court forego oral argument, or schedule a remote argument for July 7. In support of this motion, Plaintiffs state:

1. This motion seeks certification of a class of all current and future children who are or will be denied United States citizenship by Executive Order No. 14,160, entitled “Protecting the Meaning and Value of American Citizenship” (“the Order”), and their parents.

2. Flouting the Constitution's requirements, congressional direction, and longstanding Supreme Court precedent, Defendants are attempting to upend one of the most fundamental American constitutional values by denying citizenship to babies who lack a parent with permanent immigration status. For Plaintiffs and for families across the country, this Order seeks to strip away the precious duties and benefits of U.S. citizenship while threatening U.S.-born children with deportation to countries they have never seen. Joinder of all class members to this suit is impracticable and, therefore, class relief is appropriate to safeguard Plaintiffs' and putative class members' constitutional and statutory rights.

3. Plaintiffs' Counsel has considerable experience litigating civil rights and civil liberties class action cases and has the requisite skill and expertise to represent the class in this case. *See* Declaration of Cody Wofsy, Esq., Ex. A; Declaration of Gilles Bissonnette, Esq., Ex. B; Declaration of Carol Garvan, Esq., Ex. C; Declaration of Adriana Lafaille, Esq., Ex. D; Declaration of Morenike Fajana, Esq., Ex. E; Declaration of Winifred Kao, Esq., Ex. F; Declaration of Tianna Mays, Esq., Ex. J.

4. Plaintiffs rely on and incorporate fully the memorandum of law in support of the motion, and exhibits thereto, attached to this motion.

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Grant their motion for class certification;
- B. Appoint attorneys from the ACLU Foundation Immigrants' Rights Project, ACLU of New Hampshire, ACLU of Massachusetts, ACLU of Maine, Asian Law Caucus, the NAACP Legal Defense and Educational Fund, and the Democracy Defenders Fund as Co-Class Counsel; and
- C. Grant such other relief as may be reasonable and just.

Dated: June 27, 2025

Respectfully submitted,

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Counsel for Plaintiffs

**Application for admission pro hac vice
forthcoming*

***Application for admission pro hac vice
forthcoming, admitted to practice law in
New Jersey. Not a member of D.C. bar.
Supervised by a member of the D.C. Bar.*

****Application for admission pro hac
vice forthcoming, admitted to practice law
in Illinois. Not a member of the D.C. bar.
Supervised by a member of the D.C. Bar.*

CERTIFICATE OF CONCURRENCE

Pursuant to Local Rule 7.1(c), undersigned counsel for Plaintiffs certify that Plaintiffs have made a good faith attempt to obtain concurrence in the relief sought. Plaintiffs sought concurrence on June 27, 2025, and Defendants have not yet provided a position at the time of filing.

/s/ Cody Wofsy
Cody Wofsy